

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. 2:23-cv-1999

FIFTEEN TWENTY-ONE SECOND AVENUE
CONDOMINIUM ASSOCIATION, a
Washington non-profit corporation,
Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

v.

VIRACON, LLC, a Minnesota limited liability
company, APOGEE ENTERPRISES, INC., a
Minnesota corporation, QUANEX IG
SYSTEMS, INC., an Ohio Corporation,
INSULATING GLASS CERTIFICATION
COUNCIL, INC., an Illinois corporation, and
DOES 1-20,
Defendants.

This matter comes before the Court on Plaintiff Fifteen Twenty-One Second Avenue Condominium Association's Motion to Compel. Plaintiff seeks an order directing Defendant Viracon, LLC to produce the work-issued laptop of Janda Bauman, Defendant's long-time sales representative in Washington. Defendant objects to the wholesale production and inspection of Bauman's laptop as unduly burdensome and overbroad, and claims that it would result in production of material that is irrelevant and confidential.

According to Viracon, on January 17, 2025, Plaintiff served 116 Requests for Production.

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1 Viracon's response to those requests was therefore due on or about February 17, 2025, only
2 several days ago (and *after* Plaintiff filed this motion). Defendant represents to the Court that it
3 has every intention of complying with its ethical obligations to fully and in good faith respond to
4 Plaintiff's RFPs. *See* Def.'s Opp. at 1-2 (Viracon "agreed (as it is required) to search the laptop
5 for information responsive to any document requests."). Viracon has also represented to the Court
6 that although Bauman received a new laptop in July 2024, it has preserved the contents of
7 Bauman's older laptop, assuring the Court no spoliation has occurred. *Id.*, at 3 ("Viracon
8 employees, including Ms. Bauman, received new laptops in July 2024 and counsel agreed to
9 confirm the contents of the former laptop were preserved."). In its motion, Plaintiff has failed to
10 allege any facts disputing these representations or otherwise supporting its suspicion that
11 Defendant is improperly withholding discoverable material responsive to the RFPs that are
12 contained on Bauman's laptop.

13 Accordingly, it appearing to the Court that Defendant's production in response to
14 Plaintiff's January 17 RFPs may obviate the need for the Court's intervention on this dispute, the
15 Court denies Plaintiff's Motion to Compel. If Plaintiff, after reviewing documents Defendant has
16 produced, continues to believe that material is being improperly withheld, it may then, after
17 meeting and conferring with Defendant in a reasonable attempt to resolve its concerns, contact the
18 Court as prescribed in the Court's Standing Order. Until that time, this motion is denied as
19 premature and, the Court hopes, unnecessary.

20 Defendant has requested that the Court assess sanctions against Plaintiff for bringing this
21 motion. This motion is at best premature, but there is no evidence before the Court that it was
22 brought in bad faith, and sanctions are not warranted at this time.

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DATED this 25th day of February, 2025.

A handwritten signature in cursive script, reading "Barbara J. Rothstein".

Barbara Jacobs Rothstein
U.S. District Court Judge

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